

MJF:TDK
F.#2009R00286

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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M-09-393

FILED UNDER SEAL

UNITED STATES OF AMERICA

-against-

SAID GUESSOUMA,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR AN ARREST WARRANT
(T. 18, U.S.C.
§ 922(a)(1)(A))

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EASTERN DISTRICT OF NEW YORK, SS:

VINCENT PARLATORE, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between February 9, 2009 and February 10, 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendant SAID GUESSOUMA, not being a licensed importer, licensed manufacturer or licensed dealer in firearms, did knowingly and willfully engage in the business of dealing in firearms.

(Title 18, United States Code, Section 922(a)(1)(A))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is to establish only probable cause to obtain an arrest warrant, I have not set forth

1. I have been a Special Agent with ICE for approximately seven years, during which time I have investigated criminal activity using confidential informants and cooperating witnesses. The information set forth in this complaint is based on my own observations, interviews with law enforcement officers, and review of records of ICE, the Bureau of Alcohol, Tobacco and Firearms ("ATF") and the New York City Police Department ("NYPD").

2. Pursuant to an on-going joint investigation between ICE and ATF, in October 2008, a cooperating witness ("CW1") told law enforcement officers that SAID GUESSOUMA approached him and stated to him that he could procure firearms for a fee.^{2/} On or about November 16, 2009, in a consequentially recorded telephone call, SAID GUESSOUMA told CW1 that he could procure a firearm for the cost of \$900.^{3/}

3. On December 1, 2008, CW1 introduced SAID GUESSOUMA to an ATF agent working in an undercover capacity ("UC"). CW1

a description of all the facts and circumstances of which I am aware.

^{2/} In March 2008, the CW pleaded guilty pursuant to a cooperation agreement with the government and has provided information which has been verified and proven reliable during the course of this and other investigations.

^{3/} The defendant identified himself as SAID GUESSOUMA to CW1. A check of DHS records reveals that the defendant is, in fact, SAID GUESSOUMA, born November 29, 1965, a Moroccan lawful permanent resident.

told SAID GUESSOUMA that the UC was interested in purchasing a firearm. At this meeting, which was recorded, SAID GUESSOUMA told the UC that he could obtain a firearm for him for the price of \$900.

4. On or about February 9, 2009, in a recorded telephone call, the UC confirmed with SAID GUESSOUMA that he would meet GUESSOUMA and purchase a firearm from him. Later that day, the UC drove up to 7311 20th Avenue in Brooklyn, New York. SAID GUESSOUMA entered the UC's car and took from the UC an extra shirt the UC brought with him to conceal the firearm. SAID GUESSOUMA then left the car, entered the above-mentioned location and returned shortly thereafter with a Mossberg 500A 12 Gauge Shotgun wrapped in the UC's shirt. The shotgun was outfitted with a pistol grip. The UC then paid SAID GUESSOUMA \$1,000 for the shotgun. The meeting was recorded on audio and video.

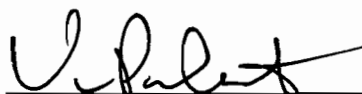
5. On the next day, the UC received a text message from SAID GUESSOUMA, stating that he had two more firearms available for sale for \$750 each. The UC then requested that SAID GUESSOUMA send him a photograph of these firearms via text message. SAID GUESSOUMA then sent the UC a photograph of one of the firearms via text message.

6. Later that day, the UC again drove up to 7311 20th Avenue in Brooklyn, New York. SAID GUESSOUMA entered the UC's car and produced a North American Arms 22 Caliber Mini-

Revolver. The UC paid SAID GUESSOUMA \$800 for the firearm. The meeting was recorded on audio and video.

7. Both of the firearms that SAID GUESSOUMA sold to the UC were tested by the NYPD for operability, and both firearms were found to be operable.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant SAID GUESSOUMA so that he may be dealt with according to law. Furthermore, to ensure that the defendant does not flee justice to avoid arrest, I respectfully request that this affidavit be filed under seal.



VINCENT PARLATORE
Special Agent
ICE

Sworn to before me this
23rd day of April, 2009

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